

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

John E. Wade

Debtor

NO. 19-24159 CMB

CHAPTER 13

New Residential Mortgage Loan Trust 2018-1

Related to Docs. 52, 62, 76, 87, 91

Movant

v.

John E. Wade

Yvette R. Wade

Respondent

and

Ronda J. Winnecour, Trustee

Additional Respondent

STIPULATION AND ORDER

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the following Stipulation:

WHEREAS, New Residential Mortgage Loan Trust 2018, has filed a motion for relief from stay due to delinquent mortgage payments on the mortgage secured by Debtor's real property at 8976 Eastwood Road, Pittsburgh, PA 15235. (Doc. 52);

WHEREAS, Debtor has filed a response opposing relief from the automatic stay (Doc. 62)

WHEREAS, the parties enter into this Stipulation to resolve the motion for relief from the automatic stay.

It is therefore Stipulated and agreed as follows:

1. The Debtor filed an Amended Chapter 13 Plan on 8/24/2021 capitalizing the arrears to the trustee in the plan. (Doc. 76)

2. The Amended Chapter 13 Plan was confirmed on 10/18/2021. (Doc. 87)
3. The automatic stay is terminated as it affects the interests of the Movant with respect to Debtor's real property at 8976 Eastwood Road, Pittsburgh, PA 15235, provided however, that relief from stay is stayed in accordance with the conditions set forth in Paragraphs 4-8, below.
4. On a go-forward basis from and after the date of the Order approving this Stipulation, the Debtor shall timely make full plan payments to the Chapter 13 Trustee, on or before the date upon which the respective plan payment is due.
5. Time is of the essence as to all plan payments going forward.
6. For the duration of this bankruptcy case, in the event that the Chapter 13 Trustee has not received a full plan payment by the last day of the month in which the Debtor's payment is due, as indicated by the Chapter 13 Trustee's online records, then the stay provided in Paragraph 1, above, shall be vacated and the automatic stay unconditionally lifted as it affects the interests of the Movant with respect to Debtor's real property at 8976 Eastwood Road, Pittsburgh, PA 15235, upon the filing of a Certification of Default by Movant, without further hearing or without entry of an additional order, if Debtor has failed to cure the default thirty (30) days after written notice of default to Debtor's counsel. A default can be cured not only by the delinquent payment being credited to the Debtor's Chapter 13 Trustee account, but also by providing Movant with proof that the payment has been sent the Chapter 13 Trustee.
7. Relief from the automatic stay shall be effective immediately upon conversion of Debtor's case to a case under Chapter 7.

8. In the event that the automatic stay is terminated as provided by this Order, then the Trustee shall make no further disbursements to Respondent on account of its secured claim, unless directed otherwise by further Order of Court.

9. The default provisions in paragraphs 4-8 are valid for one year from the date of this order.

Consented to by:

/s/ **Lauren M. Lamb, Esquire**

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/s/ **Maria D. Miksich, Esquire**

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On this _____ day of _____, 2021, it is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

By the Court,

_____.J.